

## Department of Defense

## 242.1204

solicitations that require cost/schedule status reports.

[70 FR 14575, Mar. 23, 2005]

### Subpart 242.12—Novation and Change-of-Name Agreements

#### 242.1202 Responsibility for executing agreements.

The contracting officer responsible for processing and executing novation and change-of-name agreements shall ensure agreements are executed promptly.

[60 FR 1749, Jan. 5, 1995]

#### 242.1203 Processing agreements.

(b)(2)(A) For contracts awarded by the Military Departments, provide notices to the following addressees instead of individual contracting or contract administration offices—

Army .....	HQ, U.S. Army Materiel Command, ATTN: AMCCC-P, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001.
Navy .....	Office of the Assistant Secretary of the Navy, Research, Development & Acquisition, Acquisition Management, 2211 South Clark Place, Room 578, Arlington, VA 22202-3738.
Air Force ...	HQ, Air Force Materiel Command, Attn: HQ AFMC/PKP, 4375 Chidlaw Road, suite 6, Wright Patterson AFB, OH 45443-5006.
National Aeronautics and Space Administration.	National Aeronautics and Space Administration, Associate Administrator for Procurement, ATTN: HS, Washington, DC 20546-0001.

(2)(B) Lists for notices of a successor in interest should include the information at FAR 42.1204(e)(2).

(C) Lists for notices of a name change should include the information at FAR 42.1205(a)(3).

(D) On notices sent to the addressees in paragraph (b)(2)(A) of this section, include a consolidated list for all subordinate contracting offices of the addressee.

(f)(i) Before making any substantial alterations or additions to the novation agreement format at FAR 42.1204(i), coordinate with those addressees in paragraph (b)(2)(A) of this section that have contracts with the contractor. Resolve any objections before executing the agreement.

(ii) If the National Aeronautics and Space Administration (NASA) wants a

separate agreement with the contractor, continue to process the agreement only for DoD.

(g) Also, make distribution to—

(i) The addressees in paragraph (b)(2)(A) of this section—two copies; and

(ii) The appropriate Military Traffic Management Command (MTMC) area command for agreements affecting contracts and basic agreements for storage and related services for personal property of military and civilian personnel—two copies—

Commander .....	Commander.
Eastern Area .....	Western Area.
Military Traffic Management Command.	Military Traffic Management Command.
ATTN: MTE-LO .....	Oakland Army Base.
Bayonne, NJ 07002	ATTN: MTW-LO, Oakland, CA 94626.

(h)(4) Additional distribution instructions—

(A) Send two copies to the address in paragraph (b)(2)(A) of this section. The list of contracts may be confined to those issued by that department.

(B) Do not send copies to NASA or the MTMC commands in paragraph (g)(ii) of this section. They will issue their own modifications.

[56 FR 36437, July 31, 1991, as amended at 59 FR 27674, May 27, 1994; 64 FR 51076, Sept. 21, 1999; 65 FR 39706, June 27, 2000; 65 FR 63805, Oct. 25, 2000; 67 FR 4208, Jan. 29, 2002; 68 FR 7440, Feb. 14, 2003]

#### 242.1204 Agreement to recognize a successor in interest (novation agreement).

(i) When a novation agreement is required and the transferee intends to incur restructuring costs as defined at 213.205-70, the cognizant contracting officer shall include the following provision as paragraph (b)(7) of the novation agreement instead of the paragraph (b)(7) provided in the sample format at FAR 42.1204(i):

“(7)(i) Except as set forth in subparagraph (7)(ii) below, the Transferor and the Transferee agree that the Government is not obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any related increases, directly or indirectly arising out of or resulting from the transfer or this Agreement, other than those that the Government in the absence of this transfer or Agreement would